



UNITED STATES DISTRICT COURT
SOUTHERN DISTRICT OF CALIFORNIA

UNITED STATES OF AMERICA,

Plaintiff,

v.

Ruben MORALES-Ordonez,

Defendant.

Mag. Case No.

'08 MJ 8381

COMPLAINT FOR VIOLATION OF

Title 8, U.S.C., Section 1326
Deported Alien Found In the
United States

The undersigned complainant being duly sworn states:

On or about April 9, 2007, within the Southern District of California, defendant Ruben MORALES-Ordonez, an alien, who previously had been excluded, deported and removed from the United States to Mexico was found in the United States, without the Attorney General of the United States or his designated successor, the Secretary of the Department of Homeland Security (Title 6, United States code, section 202(3) and (4), and (557), having expressly consented to the defendant's reapplication for admission into the United States; in violation of Title 8, United States Code, Section 1326.

And the complainant states that this complaint is based on the attached statement of facts, which is incorporated herein by reference.

Deportation Officer
Immigration & Customs Enforcement

SWORN TO BEFORE ME AND SUBSCRIBED IN MY PRESENCE, THIS 6th DAY OF May 2008.

NITA L. STORMS
U.S. MAGISTRATE JUDGE

1 UNITED STATES OF AMERICA

2 v.

3 Ruben MORALES-Ordonez

4 STATEMENT OF FACTS

5 The complainant states that this complaint is based upon the statements of the
6 apprehending Deportation Officer Christopher Salgado.

7 On April 9, 2007, the defendant, identified as Ruben MORALES-Ordonez, was arrested
8 in San Diego, California, by Officer D. Williams, of the San Diego Sheriff's Office, for burglary
9 of a vehicle in violation of PC-459. Deportation Officer Salgado subsequently encountered the
10 defendant in custody at the Calipatria, California State Prison and placed an immigration detainer
11 on Form I-247.

12 On May 5, 2008, at approximately 10:00 a.m., the defendant was referred to the custody
13 of United States Immigration and Customs Enforcement in Imperial, California.

14 Record checks of MORALES revealed that he was previously ordered deported to
15 Mexico by an Immigration Judge on November 3, 2005. On November 9, 2005, MORALES was
16 removed to Mexico via the Calexico, California Port of Entry. Further record checks revealed
17 that MORALES has a criminal record.

18 At approximately 10:25 a.m. on May 5, 2008, I advised MORALES as to his rights as per
19 Miranda. Immigration Enforcement Agent F. Valenzuela witnessed this. MORALES stated that
20 he understood his rights as was willing to make a statement without an attorney present.

21 MORALES stated that he is a citizen of Mexico who has previously been deported from
22 the United States. MORALES also stated that he last entered the United States illegally and he
23 did so because his whole family is in the United States. He added that he has never received
24 permission to re-enter the United States after having been deported.

25 There is no evidence that MORALES ever sought or received permission from the
26 Attorney General of the United States or his designated successor, the Secretary of the
27 Department of Homeland Security, for permission to re-enter the United States.

28 Based upon the foregoing information, there is probable cause to believe that Ruben
MORALES-Ordonez has illegally re-entered the United States after Deportation, in violation of
Title 8 of the United States Code 1326, Deported Alien Found in the United States.